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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Report by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 2001/5

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Summary

This report was drafted in an international context marked by the terrorist attack of 11 September 2001 against the United States and by the need to combat terrorism in all its forms. The Special Rapporteur's mandate did not escape the consequences of the 11 September tragedy, whether because of the racist or xenophobic reactions which that event sparked off or because of a so-called "war of civilizations" unleashed by the explosions in the towers of the World Trade Center in New York. In this disturbing context, the importance of the mechanisms whose role it is to ensure respect for human rights by shedding objective light on the irrational events and reactions that lead to discrimination is more apparent than ever.

In chapter II, which addresses contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur focuses on reactions against Muslims/Arabs and other population groups in the wake of the 11 September attacks in several countries, including Australia, Canada, the United States and member countries of the European Union (Germany, Belgium, Denmark, France, Netherlands, Portugal, United Kingdom, Sweden). This chapter also examines manifestations of anti-Semitism in North America, Europe and Russia. In addition, the racist violence and activities of far-right, neo-Nazi and skinhead organizations in the Czech Republic, the United Kingdom and Switzerland are addressed. Lastly, a section is devoted to the situation of the Roma/Sinti/travellers in eastern Europe, and especially Bulgaria.

Replies to allegations of racism or racial discrimination transmitted to Governments (chap. III) have been received from China, Japan and Latvia; another section deals with the Libyan Arab Jamahiriya.

The information on follow-up to field visits and measures taken or envisaged by Governments to combat racism (chap. IV) relates to the following countries: Germany, Brazil, Egypt, Spain, Czech Republic, Sweden, Switzerland and Thailand. Another section is devoted to the European Union.

In the conclusion (chap. V), the Special Rapporteur emphasizes the fact that the persistence of racism, racial discrimination, xenophobia and related intolerance in both subtle and violent manifestations shows that issues of equality, social justice and respect for the diversity of the human race are crucial to solving the problems with which mankind is confronted in the twenty-first century. He welcomes the holding of the World Conference against Racism; the Durban Declaration and Programme of Action, in his opinion, provide the international community with a platform for attacking the sources of racism, racial discrimination, xenophobia and intolerance. Among the measures proposed, the Special Rapporteur attaches fundamental importance to education as a means of converting racist, xenophobic and intolerant mentalities into a psychological outlook imbued with the humanistic values of respect for others, brotherhood and solidarity. He advocates the adoption of legislative measures to punish acts of racial discrimination and prohibit racist organizations and their

activities. Lastly, he is convinced that, without economic and social measures in support of peoples marginalized by racial discrimination, action against these evils will be limited in scope.

With regard to the recommendations (chap. VI), the Special Rapporteur calls in particular on all Governments to show restraint in solving problems relating to terrorism, so as to ensure respect for human rights and fundamental freedoms when adopting security measures. He expresses the hope that Governments will prevent and combat irrational reactions against individuals or groups suspected of having links with terrorism.

Introduction

1. This report has been submitted in accordance with resolution 2001/5 (III) adopted by the Commission on Human Rights at its fifty-seventh session. It should be read in conjunction with the study on political platforms which promote or incite racial discrimination, submitted to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its second session (A/CONF.189/PC.2/21).

2. In preparing this document, the Special Rapporteur has used information transmitted by Governments (Germany, Brazil, China, Egypt, Spain, Israel, Libyan Arab Jamahiriya, Japan, Latvia, Czech Republic, Sweden, Switzerland and Thailand), and intergovernmental organizations (Commission of European Committees, European Commission against Racism, European Monitoring Centre on Racism and Xenophobia). He also based his report on information received from reliable non-governmental organizations (Amnesty International, International Helsinki Federation for Human Rights, European Roma Rights Centre). Lastly, he has used the Internet for research purposes and continues to pay attention to the development of the world situation as reported in the media, which he has used to advantage.

3. This report is submitted in a tense international context in which people remain affected by the terrorist attack of 11 September 2001 in the United States and conscious of the need to combat terrorism in all its forms. The Special Rapporteur's mandate did not escape the consequences of the 11 September tragedy, whether because of the racist or xenophobic reactions which that event sparked off or because of a so-called "war of civilizations" unleashed by the explosions in the World Trade Center towers in New York. In this disturbing context the importance of the mechanisms whose role it is to ensure respect for human rights by shedding objective light on the irrational events and reactions that lead to discrimination is more apparent than ever.

4. The report comprises six chapters and contains information on the activities of the Special Rapporteur in 2001 (chap. I); on contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance (chap. II); on the replies to allegations communicated to Governments (chap. III); and on the follow-up of field visits and the legislative, judicial or other measures taken or envisaged by Governments (chap. IV). The Special Rapporteur presents his conclusions in chapter V and makes recommendations in chapter VI.

I. ACTIVITIES OF THE SPECIAL RAPPORTEUR

A. Participation in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

5. The Special Rapporteur was in Durban from 31 August to 8 September, and participated actively in both the preparatory process for the World Conference and the Conference itself. In particular, he submitted to the Preparatory Committee at its second session a study on political platforms which promote or incite racial discrimination (A/CONF.189/PC.2/21). At the plenary meeting of 6 September 2001, he spoke about the issues being addressed by the Conference and proposed measures to combat racism, racial discrimination, xenophobia and intolerance.

From 3 to 5 September, he took part in the parallel meeting entitled "Voices of victims", where he heard poignant accounts from victims of anti-Semitism in Austria and of murderous racist violence against persons of African origin in Colombia.

6. The Special Rapporteur drew the following lessons from the Durban Conference:

(a) Durban was the culmination of a long process - filled with pitfalls and critical moments - that enabled the international community to achieve reconciliation by acknowledging the scourges represented by slavery and the slave trade and classifying them as crimes against humanity;

(b) The equal dignity of human beings in all places and at all times, whether based on religion or reason, was reaffirmed; thus racism and racial discrimination, the products of archaic thinking, were denounced as obstacles to human progress;

(c) The dialogue between civilizations proposed provided responses to the problem of achieving respect for cultural and human diversity, in particular that of accepting difference in others in the face of dominant societies' attempts to assimilate other individuals or groups into their own culture, to exclude them or to eliminate them;

(d) It was acknowledged that effective action to combat racism and racial discrimination required a combination of educational, criminal, economic and social measures;

(e) It was also acknowledged that changing racist mentalities required education, notably an educational process that noted the evils of racism and racial discrimination while praising human and cultural diversity and encouraging interpersonal and intercultural exchanges;

(f) The Durban Declaration and Programme of Action constitute a fundamental document which should be further developed and implemented without delay in the interest of mutually-supportive and effective action against racism, racial discrimination, xenophobia and related intolerance, through human rights education and economic, social and cultural development measures designed to correct persistent forms of structural racism and eradicate the social inequalities which represent the legacy of racism and feed poverty.

B. Participation in the work of the eighth annual meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme

7. From 18 to 22 June 2001, the Special Rapporteur participated in the 8th meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights. He was elected Chairperson of the meeting, with Mr. Abid Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, as Rapporteur. The reader is referred to the report of the meeting (E/CN.4/2002/14), which has been submitted to the Commission on Human Rights under items 4 and 18 of the provisional agenda.

8. Of the extensive agenda adopted, the following items are worthy of mention:

(a) "Enhancing the effectiveness of the special procedures system" (item 2; see E/CN.4/2002/14, paras. 15-25);

(b) "Support services" (item 3; see paras. 26-34 of the report of the meeting);

(c) "Thematic discussion" (item 4; paras. 35-41);

(d) "Technical cooperation and monitoring activities" (item 5; paras. 42-47);

(e) "Improving the coordination of special procedures on human rights defenders" (item 6; paras. 48-49);

(f) "Contribution to the 2001 World Conference against Racism" (item 7; paras. 50-51);

(g) "Consultations with NGO representatives" (item 9; paras. 52-57);

(h) "Consultations with the Bureau of the Commission on Human Rights" (item 10; paras. 58-68);

(i) "Cooperation with the human rights treaty bodies" (item 11; paras. 69-75 and appendix V).

The Special Rapporteur wishes to draw the attention of members of the Commission to the various conclusions and useful recommendations made by the 8th meeting; they are contained in chapter XI of the report (E/CN.4/2002/14).

C. Missions of the Special Rapporteur

1. Australia

9. The addendum to this report contains the Special Rapporteur's observations following the mission he undertook from 22 April to 10 May 2001 (E/CN.4/2002/24/Add.1). This most edifying and instructive mission enabled him to analyse in the field, with active assistance from the authorities and peoples of Australia, the situation of the Aboriginals, the manifestations of discrimination and xenophobia, and the multiculturalism policy and its effective implementation. The Special Rapporteur noted that significant progress had been achieved in the area of human rights and action to combat racism and racial discrimination in general, but considers that, despite the efforts of the Australian authorities, much remains to be done in order to eradicate the legacy of racial discrimination and reduce social inequalities and the extreme poverty which affects the majority of Aboriginals.

2. Canada

10. As he stated in his most recent report to the Commission (E/CN.4/2001/21, para. 16), the Special Rapporteur received an invitation from the Canadian authorities to visit their country in order to examine in situ allegations of discrimination against several ethnic minorities and indigenous peoples. In view of his workload for the approaching World Conference against Racism and because of other commitments, the Special Rapporteur was not able to make this visit and suggested to the Canadian Government that it should be postponed to 2002.

3. Lack of cooperation by Israel

11. The Special Rapporteur notes with great regret that the active cooperation with the State of Israel which has been a feature of his mandate since 1994 is encountering serious difficulties, with the Government of Israel reacting negatively to his appeals, even in the context of implementation of a Commission on Human Rights or General Assembly resolution, such as Commission resolution 2000/S-5/1 entitled "Grave and massive violations of the human rights of the Palestinian people by Israel". Of interest in this connection is the joint statement by the Special Rapporteurs concerned by Commission resolution 2000/S-5/1, published in an annex to document E/CN.4/2002/14 (appendix III). The Special Rapporteur earnestly hopes that the Government of Israel will resume its positive attitude towards his mandate, in the interest of effective and thorough action to combat racism, racial discrimination, xenophobia and related intolerance.

II. CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

A. Impact of the attacks of 11 September 2001 in the United States of America on Muslims, Arabs and other population groups of Asian origin

12. The tragic and painful events of 11 September 2001, in the United States of America caused horror and disapproval throughout the world and represented an appalling introduction to the twenty-first century. In the ensuing confusion, some people were quick to associate Muslims and/or Arabs with terrorists. The Special Rapporteur was told that the terrorist attacks of 11 September provoked racist reactions against Muslims, Arabs and other Middle Eastern population groups in a number of countries, in particular Australia, Canada, the United States and several member countries of the European Union (Germany, Belgium, Denmark, France, Netherlands, Portugal, United Kingdom, Sweden). There were reports of an increase in insults, physical assaults against members of those communities and destruction of their property. The authorities of the countries concerned and most of the other political players in those countries spoke up against these racist reactions. A summary of anti-Muslim and anti-Arab reactions is given below.

1. Australia

13. The Australian Arabic Council informed the Special Rapporteur that following the 11 September attacks, "Muslim communities have increasingly been at the receiving end of a frightening and extreme level of racial abuse, attack and vilification. Children, women and men are all subject to this increase in racial vilification. Community centres, places of worship and businesses are being vandalized, covered in graffiti and damaged." The Australian Arab Council added that "some media reports have been extremely worrying, with the nature of reporting and headlines being used verging on the hysterical. Of great concern are the cartoons and images being used, as well as the tone of many letters and talkback callers, which only simplify and exacerbate stereotypes and the racial hatred of Arabic Australians and can legitimize and increase vilification on the street".

14. The Australian Human Rights and Equal Opportunity Commission also reported that "All available evidence confirms that there was an anti-Arab/Middle Eastern and anti-Muslim backlash in Australia in the period following 11 September. In New South Wales, the Community Relations Commission established a 24-hour bilingual hotline - at first only in Arabic then, subsequent to a tabloid front page photo showing a Sikh man being detained in New York allegedly in connection with the attacks, also in Punjabi. A recent report back from the Commission advised that more than 400 calls were received, principally to the Arabic hotline, in the five weeks after 11 September. Callers reported verbal, physical and verbal/physical-combined 'assaults', significantly heightened fear and avoidance (e.g. women not leaving their homes to go shopping) and slow or insensitive police or other service-provider responses. Some of the physical assaults reported were serious and caused injury, even hospitalization. Calls tapered off after five weeks." The Commission noticed from media reports that "there were also some arson and graffiti attacks on mosques and an early incident in which stones were thrown at a school bus transporting children to an Islamic school".

15. Political and other community leaders acted quickly to show support and solidarity with Middle Eastern and Muslim communities in Australia and to remind the community not to retaliate against fellow Australians. Photo opportunities were organized in most states and federally with a Premier or the federal Minister for Immigration at an Islamic school or visiting a mosque.

2. Canada

16. The Special Rapporteur has been informed of one incident, the "racist and hate-smashing, vandalization and destruction of the Alrasoul Islamic Society mosque on the Bedford Highway, at the city of Bedford within the Halifax regional municipality in Nova Scotia".

3. United States of America

17. On 20 November 2001, the American-Arab Anti-Discrimination Committee (ADC) released a fact sheet in Washington in which it confirmed 520 violent incidents directed against Arab Americans, or those perceived to be such, since 11 September. These were defined as acts

of physical violence or direct threats of specific acts of violence. These incidents range from simple assault and battery to arson, aggravated assault, and at least six murders. These acts have been "random, spontaneous, and without geographical concentration" said the ADC.

18. The ADC also identified other types of discrimination against Muslims and Arabs which include:

(a) Airline racism: 27 cases in which persons perceived to be Arab have been expelled from aircraft after or during boarding on the grounds that passengers or crew do not like the way they look. The Department of Transportation has affirmed that this is "not only immoral but illegal";

(b) Employment discrimination: several hundred cases of employment discrimination against Arab Americans since 11 September, including numerous terminations;

(c) Law enforcement profiling: numerous cases involving Arab Americans being searched and questioned by police for no apparent reason;

(d) Tensions in schools: Arab American students have had problems with other students, and in a few cases teachers and administrators as well.

19. The American authorities have reacted swiftly against the attacks on Muslim and Arabs. On 17 September, President George Bush visited the Islamic Center in Washington D.C. to defuse tension and said, inter alia, that:

> "The face of terror is not the true faith of Islam. That's not what Islam is all about. Islam is peace. These terrorists don't represent peace. They represent evil and war.
>
> "When we think of Islam, we think of a faith that brings comfort to a billion people around the world. Billions of people find comfort and solace and peace. And that's made brothers and sisters out of every race - out of every race.
>
> "America counts millions of Muslims amongst our citizens, and Muslims make an incredibly valuable contribution to our country. Muslims are doctors, lawyers, law professors, members of the military, entrepreneurs, shopkeepers, moms and dads. And they need to be treated with respect. In our anger and emotion, our fellow Americans must treat each other with respect.
>
> "Women who cover their heads in this country must feel comfortable going outside their homes. Moms who wear cover must not be intimidated in America. That is not the America I know. That is not the America I value.
>
> "I have been told that some fear to leave; some don't want to go shopping for their families; some don't want to go about their ordinary daily routines because, by wearing cover, they are afraid they will be intimidated. That should not and that will not stand in America."

4. European Union

20. The Special Rapporteur drew a wealth of information from the comprehensive "Reports on anti-Islamic reactions within the European Union after the recent acts of terror against the USA", issued by the European Monitoring Centre on Racism and Xenophobia in Vienna on 10 October 2001. The incidents reported below vary from verbal to physical attacks and damage to property:

(a) Germany

Verbal attacks

21. The president of the Palestinian Community in Germany (Palästinensische Gemeinde Deutschland) reported that numerous Palestinians had been abused by other people on the street:

The Islamic Religious Community Hessen (Islamische Religionsgemeinschaft Hessen), according to its chairman, was still receiving daily hate calls and mail, especially against women wearing scarves;

A Moroccan-born woman, who had lived in Germany for 25 years reported that her 10 year-old daughter was called a "terrorist" by a classmate; another woman in Wiesbaden was called a "murderer";

A German-born student of Turkish nationality reported that his brother had been verbally attacked at his workplace.

Physical attacks

22. According to reports in the media (and also by several human rights/anti-discrimination non-governmental organizations) there has been one attempt on Muslim institutions. Early on Sunday morning, 16 September, a bottle of spirits with a burning wick was discovered and put out by a driver in Munich-Pasing. This happened just in front of a grocery shop belonging to the Pasing mosque. After this attack the police set up further security precautions for Muslim/Islamic institutions.

(b) Belgium

23. In the direct aftermath of the attack in the United States, there were no major attacks on the Muslim/Islamic community. This can be explained by the shock effect of the attacks. However since 17 September the tone has become harsher against the Muslim community. The verbal attacks were registered mostly in the Brussels area, less in other cities like Antwerp or regions such as Limburg. In schools, Muslim youngsters became the target of different forms of verbal attacks. The incidence of attacks was especially high in Brussels. Teachers and fellow students were responsible for these attacks. These attacks included: Muslims being scolded or insulted in the streets; removal of the veil of Muslim females by a third person; a false bomb alarm; sheer aggression towards Muslims, and racist graffiti targeting Muslims.

24. A pamphlet, written in French, was distributed in the centre of Brussels; it appears at first sight to be the work of Islamic extremists, picturing Saint Mary's Church in Schaerbeek, a large Brussels district, as a mosque. There are firm grounds to believe that this pamphlet is false, fabricated with the purpose of discrediting the Muslim community and to manipulate and "poison" public opinion.

(c) Denmark

25. The terrorist attacks in New York and Washington, D.C. on 11 September 2001 were followed by an upsurge of verbal and physical attacks on ethnic minorities associated with Islam. At first the media focused on a small number of Palestinian youngsters in Denmark who celebrated the attacks and consequently aroused massive and strong emotional reactions. Danish politicians, the mass media and public discourse gave a broadly negative representation of Muslims, which was considered by several observers to express some of the toughest anti-migrant sentiment in Europe. In May 2001 supporters of a political party, Det Radikale Venstre, were fiercely and repeatedly accused of being Muslim fundamentalists, affiliated with a Pakistan-based movement, supposedly supporting the Taliban. This horrifying turn of events has further strengthened already antagonistic relations between Muslims and the rest of the Danish population. However, physical attacks have not resulted in life-threatening injuries. The media coverage reflected various phases following the initial shock and the manifestations of solidarity. First, there was a focus on civil and military preparedness; secondly, indignation at media images of young Palestinians celebrating the terrorist attack on the United States of America; thirdly, there were warnings by the Government and leading Muslims against increased verbal attacks and violence on Muslims in general; and fourthly, there was local appropriations of the attack for political and nationalistic purposes.

Verbal and physical attacks

26. Ethnic minority representatives report unanimously that verbal attacks and harassment increased rapidly after 11 September 2001. Islamic web sites received much hate mail. The following is a list of media reports of physical and verbal attacks.

> 13 September. Death threats are made to a local television station in Copenhagen during a programme in which the attacks on the United States are debated (Morgenavisen Jyllands-Posten 20/9, 22/9);
>
> 13-14 September. Posters with the text "Holy war against Islam" is found at a Red Cross Centre (Morgenavisen Jyllands-Posten 22/9);
>
> 14 September. A Danish woman tries to set her Turkish neighbour's apartment on fire. (Politiken 20/9, Morgenavisen Jyllands-Posten 22/9);
>
> 14 September. A Danish imam, Abdul Wahid Pedersen, receives a death threat (most newspapers);
>
> A drunken young man is caught outside a mosque ready to throw his homemade Molotov cocktails (mostly newspapers);

A concert in Tivoli with the group Outlandish (two members are Muslim) is cancelled due to bomb threats (Politiken 15/9);

16 September. A Kurdish owned pizza place in Dragør is attacked by a group of thugs with baseball bats (Ekstra Bladet 17/9);

17 September. A 44-year-old man attacks an Iraqi immigrant with his German shepherd dog (Berlingske Tidende 19/9);

18 September. A firebomb is thrown in an immigrant neighbourhood of Aabenrå and racist language is found (Berlingske Tidende 20/9);

19 September. Another pizza place, owned by two Afghans, is attacked in a rural area by someone throwing bottles filled with gasoline through the windows (Berlingske Tidende 20/9, Morgenavisen Jyllands-Posten 20/9).

Attitude of the authorities and politicians

27. In public statements, the Danish Prime Minister, Poul Nyrup Rasmussen, and political leaders from other mainstream parties immediately underlined the need to make a clear distinction between terrorists and the Islamic community.

28. At the annual meeting of the Dansk Folkeparti (Danish People's Party) on 15 and 16 September 2001, speakers consistently launched verbal attacks on Muslims, who were portrayed as "our enemy".

(d) France

Physical attacks

29. The press reported that seven young people had been arrested in Corsica for racist attacks against 20 Moroccan workers. They were accused of shouting and hurling stones on slums where North African people are living.

Attitude of the authorities and politicians

30. The French public authorities and leaders of political parties or religious communities called for calm and for making a clear difference between the Islamic population and terrorism.

(e) Netherlands

31. Since the attacks in the United States, intolerance against Muslims in the Netherlands has been growing. A number of verbal and physical attacks that have been reported in the Netherlands newspapers have been omitted from the following list, because it is uncertain whether they are linked to the attacks. The incidents reported below have a clear or at least suspected link.

A bus driver in Amsterdam refuses a passenger with a head scarf;

Telephone threats to organizations representing Palestinian interests (12/9/01);

Attacks on mosques in the Hague (written hate speech on the walls) and Vlissingen (broken windows);

Muslim women with headscarves receive racial insults and threats and are spat at;

Racial insults directed at a player in a (non-professional) soccer team (17/9/01);

Telephone threats to a mosque in Roosendaal (17/9/01);

Hate speech on a condolence register on an Internet site, as a result of which the web site is closed (17/9/01);

An Islamic school in Nijmegen is set on fire (17/9/01);

An attempt is made to set fire to a mosque in Zwolle (17/9/01);

An Islamic centre in Barneveld is plastered with the words "death to the Muslims" (17/9/01);

Stones are thrown through the windows of the SHIP - the Islamic Platform in The Hague (18/9/01);

A Syrian orthodox church in Rijssen is plastered with hate speech (18/9/01);

Threats to a Turkish family/stones thrown through the windows of their house (18/9/01);

Increase of hate speech against Muslims on the Internet, especially in newsgroups.

(f) Portugal

32. On 15 September several newspapers published stories about a bomb threat to the Lisbon mosque. The Lisbon Islamic Community stated that this incident led to the interruption of prayer while the police bomb squad searched the premises. A representative of the Lisbon Islamic Community also reported that the Lisbon mosque was vandalized on 18 September 2001; some windows were smashed by stones during the night. Another leader of that community, commenting on the same event on national television said that such occurrences were commonplace. In spite of this, the Procurador General da República has so far received no complaint. Nevertheless, all the great religions were represented at a gathering to pay hommage to the victims of the terrorist attack. At this event the Muslim community's representative - Sheik Munir - prayed for the dead.

(g) Sweden

Verbal and physical attacks

33. As in other countries, there were some violent incidents related to the World Trade Center bombing. In Mölndal, Gothenburg, an Iranian-born taxi driver was assaulted and beaten up by people who called him a "bloody terrorist"; this happened within 24 hours of the bombing. In Södertälje, south of Stockholm, a restaurant owned by a Syrian immigrant who has lived in Sweden for nearly 25 years, was vandalized during the night. Windows were smashed and "Arab terrorist" and a swastika spray painted on the facade. The police claim "Nazis were behind the vandalism"; if so, it is unlikely to have been in an organized form since the Nazi groups have more or less come out in support of the bombing. Also of cause for concern is the fact that some schools have reported incidents suggesting that pupils with an Islamic background have clashed with Swedish pupils (or possibly non-Islamic immigrants in one case). However, such incidents were few in number and isolated. There has certainly been an increase in verbal abuse of Arab immigrants or people of the Islamic faith. The Internet seems to be a focal point for organized anti-Islamic sentiment; various "chat pages" such as the *Exile Passage*, have been filled with hundreds of statements of the shoot-them-all-and-let-God-sort-them-out type. Here, xenophobia, including both anti-Semitic and anti-Arabic hatred is undisguised.

Attitude of the authorities and politicians

34. Several leading politicians, among them the Prime Minister, Göran Persson, have focused on the dangers of anti-Arab racism being fostered as a result of the outrage.

(h) United Kingdom of Great Britain and Northern Ireland

Physical attacks

35. A 28-year-old Afghan minicab driver was assaulted and left paralysed from the neck down by three men who, according to police, referred to the attacks in New York. Another Afghan man was assaulted in Dover and received serious injuries. A 19-year-old Asian woman in Swindon was beaten around the head by two men with a baseball bat, prior to which one was reportedly heard to say "Here's a Muslim". In the north-east of England, a 20-year-old Bangladeshi man suffered a broken jaw after being beaten by a gang of youths. "Many Muslims have been spat at and have suffered verbal abuse, particularly women wearing the hijab" according to the London Times ("Racists seek revenge around the world", 19 September 2001). A mosque was fire-bombed in Bolton when there were 20 people inside.

Threats and attacks on property

36. In Birmingham, mosques received abusive telephone calls and excrement through their letter boxes. In Oldham, racist graffiti were daubed on the walls of a mosque. Bricks were thrown at mosques in Belfast, Manchester, London, Southend and Glasgow. An Islamic school in London was forced to close after receiving threatening telephone calls. Bomb threats included one to the Regents Park mosque in central London, which had to be evacuated during Friday prayers.

Attitude of the authorities and politicians

37. From the time the press first began to speculate that the outrages committed in New York and Washington on Tuesday, 11 September 2001 were the work of "Islamic terrorists", the Government of the United Kingdom was immediately conscious of the need to reassure Muslim communities who felt vulnerable and to emphasize that the overwhelming majority of Muslims, both in the United Kingdom and in the wider world, did not support such attacks. From the morning of Wednesday, 12 September, both government ministers and the leaders of the religious communities in the United Kingdom sought consistently to put out this message.

Observation by the Special Rapporteur

38. Given the reactions of the authorities and people in the various countries, it is pleasing and reassuring to note that a crucial distinction is increasingly being made between Islam and Muslims, on the one hand, and terrorism, on the other. This is an issue that should be monitored by the Special Rapporteur on freedom of religion or belief.

B. Anti-Semitism

39. The report "Anti-Semitism Worldwide 2000/2001" by Tel-Aviv University was transmitted to the Special Rapporteur by the Government of Israel. The document as a whole, from which the Special Rapporteur quotes the paragraphs below, may be consulted in the secretariat.

> "During the period under review, a wave of anti-Semitic violence which "swept Europe and North America ... beginning in autumn 2000, was regarded by some Jewish leaders as unprecedented since World War II. This, in spite of the fact that in terms of numbers, 1994 was the worst year for violent anti-Semitism, witnessing 300 such incidents (the year 1993 was not far behind with 270 incidents), whereas in 2000, 255 cases were recorded: 66 major attacks (involving the use of a weapon, including knives and stones, or arson) and 189 other major violent incidents. The many events which took place within a brief period, namely in October and November 2000, altered familiar patterns. The period 1995-97 was relatively quiet, whereas 1998-99 were years of intensified anti-Semitic activity. Yet even this escalation was dwarfed by the year 2000 when major violent attacks more than doubled, from 32 in 1999 to 66, as stated, and other acts of violence increased by 50 per cent, from 114 to 189. Thus, at the end of the decade, the achievements reached after 1994, thanks to better legislation and law enforcement, as well as intensified police activity and increased public awareness, seem to have been erased. The steep rise in numbers of cases perpetrated against Jews between 1999 and 2000 was not paralleled by anti-foreigner hostility. Moreover, 180 of these acts were concentrated in about six weeks, beginning during the High Holidays, and were directed mostly against synagogues and worshipers (about 60 in France alone), evoking concern that Jews and their religious sites might once again be considered easy prey. In 1998-99, the ideological and active resurgence of the extreme right, both in Europe and the United States, resulted in a large number of casualties. This tendency continued

during 2000, until October, when neo-Nazis were arrested in Germany and Switzerland where it was discovered that they were stockpiling weapons for future actions in these countries and in others. Up to October some 90 cases of extreme right violence were recorded ..."

40. The Tel-Aviv University report also described the manifestations of anti-Semitism in Eastern Europe and Russia as follows:

"In Romania, the chauvinist anti-Semitic Greater Romanian Party became the second largest party in the parliament, with 21 per cent of the vote, following the general election of 25 November, although its leader Corneliu Vadim Tudor was defeated in the second round of the presidential elections. In December, two visitors, who demanded to see 'Auschwitz soap' with their own eyes, choked and seriously injured the security guard of the Jewish Historical Museum in Bucharest and vandalized the premises.

"In recent years anti-Semitism has been a major political weapon of the nationalist and the communist opposition in Eastern Europe and the former Soviet Union. The new Russian President, Vladimir Putin, has restricted the activities of the extreme right and hence the number of anti-Semitic incidents in 2000 was lower than in 1999. However, hundreds of anti-Semitic publications can be openly purchased, and Jewish leaders are concerned about Mr. Putin's authoritarian regime, which might diminish the involvement of world Jewish organizations and of Israel in Jewish life in Russia.

"In Eastern Europe, the extreme right media was very swift in linking traditional anti-Semitic motifs with the outbreak of violence in the Middle East. Nationalist and extremist parties and movements combined their bitter criticism of Jews and Israeli policies with a sympathetic attitude to the Arabs in general and to Palestinians in particular. The Greater Romania Party in Romania and the Hungarian Justice and Life Party have for years championed the Iraqis under Western attacks as well as the Palestinians, claiming that Israeli interests dominate and dictate United States actions. While the real attitude of these right extremists toward Arabs, Palestinians and Muslims may not be reflected in their verbal support for them, the intensity of their anti-Jewish feelings appear to overcome their racist and xenophobic aversion to Arabs and Muslims.

"Anti-Semitic incidents in Eastern and Central Europe should not be connected automatically with events in the Middle East, although in some cases the link is evident. Racist violence against Jews in the region does not need a Middle East pretext, but it certainly acts as a catalyst."

C. Racist violence and activities of far-right, neo-Nazi and skinhead organizations

41. The Special Rapporteur has received and analysed information on racist violence and the activities of racist far-right movements and organizations in the Czech Republic, the United Kingdom and Switzerland.

1. Czech Republic

42. In its communication of 21 November 2001, the Government of the Czech Republic reported incidents involving far-right organizations and described the measures it had taken to prevent racist crimes.

> "Out of the total of 391,469 criminal acts detected in the territory of the Czech Republic in 2000, there were 364 crimes with a racial or other extremist background (0.09 per cent). As in 1999, no murder or bodily harm with racist or xenophobic motives resulting in death was committed.
>
> "Among the most serious cases (21) from the point of view of the Czech police were:
>
> > Crimes committed by followers and members of skinhead movement which resulted in bodily harm of persons from Roma origin;
> >
> > Attacks of citizens of Armenia, Bulgaria, Sudan, Iraq and Libya;
> >
> > Crimes committed by 8 citizens of Germany, allegedly members of the skinheads movement.
>
> "Out of these 21 cases only 2 have been shelved by the police. In 1 case, the perpetrator remained unknown and 4 are under investigation, 14 of the most serious cases were concluded by the police with a proposal for prosecution and 8 of them have already been concluded by a court of justice sentence.
>
> "In 2001, the police reported two serious cases:
>
> > 'On 30 June 2001, three Roma were attacked by a group of criminals in Ostrava-Poruba, using knives and gas pistols. One of the victims suffered a serious life-threatening injury. The perpetrators of this attack were arrested for attempted murder pursuant to paragraph 8/1 to paragraph 219/1, 2g of the Criminal Code;'
> >
> > 'On 20 July 2001, an individual verbally attacked a group of Roma and stabbed one of them with a knife in a discotheque. The victim died due to serious wounds. The author of the attack has been arrested and is being prosecuted.'
>
> "To counter crimes motivated by racism, the Ministry of the Interior adopted a new resolution on 12 September 2001 with the following components:
>
> > 'Collecting and analysing information necessary for administrative proceedings on the dissolution of associations of political parties and movement promoting racism and racial discrimination;'
> >
> > 'Documenting criminal activities of extreme right organizations and carrying out police operations when and where necessary;'

'Countering the dissemination of racist and xenophobic materials by extreme right organizations;'

'Keeping and updating files of undesirable alien extremists to prevent their entry in the territory of the Czech Republic. In this connection, the police of the Czech Republic has increased its cooperation with their counterparts in neighbouring countries (Poland, Hungary, Slovakia, Austria and Germany)'."

2. United Kingdom

43. During the year 2001, the United Kingdom experienced one of its worst riots allegedly motivated by racist animosities. On Saturday, 8 July, the National Front (NF), a racist party, was planning to hold a rally in the centre of Bradford, but since it did not obtain permission from the local authorities, the rally was cancelled. The plans provoked a counter-demonstration, which was held in spite of the cancelling of the NF rally. The counter-demonstration was a peaceful event attended by some 500 people, mainly young Asian men. They were monitored by heavily-armed police. Several reports speak of a group of white people leaving a pub in the centre of town in the afternoon, shouting racial abuse. This provoked an angry response from the demonstrators. The trouble lasted for eight hours, with gangs of Asian and white youths fighting running battles with hundreds of officers; later, the riots seem to have been mainly between about 1,000 mainly Asian youths and the police. It has been reported that 200 people were injured and 36 people arrested (23 Asians and 13 Whites). Buildings and cars were burned and shops were looted in the Manningham district of the city. The chief superintendent of the West Yorkshire Police, Stuart Hyde, confirmed that 36 people had been arrested over the weekend.

44. It has been said that the over-arching problems behind the riots in Bradford seem to be deteriorating social and economic conditions, resulting in large measure from the de-industrialization of the area. This has brought poverty, unemployment and a general lack of motivation in the people living in the area. The Bradford district has a very diverse ethnic population, including one of the largest concentrations of Muslims, mostly originating from rural Pakistan. The district has been a host to many migrant communities over the years. The current "black and minority ethnic" (BME) group make up approximately 20 per cent of the population, bringing with them a rich cultural heritage and diverse religions. In the mid-1950s a large number of south Asians went to northern England to work in the textile industry and formed the base of the present-day minority. Today, only 31 per cent of Bradford's ethnic minority young people aged 16 to 24 are employed. This compares with 40 per cent nationally and 65 per cent of young white people nationally. The district was once blessed with economic wealth and prosperity, but with the demise of the wool industry and the decline in manufacturing, prosperity has waned. The district is now trying to redefine itself as a modern twenty-first century, competitive, multicultural area and has lost its spirit of community togetherness. As a result, the Bradford district has witnessed growing divisions among its population along racial, ethnic, religious and social-class lines.

45. Relations between the different communities have been deteriorating for some time. The current Bradford scenario is not untypical - many white people feel that their needs are neglected while the minority ethnic communities receive more favourable treatment from the public

authorities in terms of assistance; some people assert that Muslims and, in particular, Pakistanis, "get everything" at the expense of Whites. Simultaneously, the Asian communities, particularly the Muslim community, are concerned that racism and Islamophobia continue to blight their lives, resulting in harassment, discrimination and exclusion. They argue that they do not receive favourable or even equal treatment, and that their needs are marginalized by decision-makers and public services leaders. These widely held, conflicting views are entrenched and endemic and, as a consequence, different ethnic groups are increasingly segregating themselves from each other and retreating into "comfort zones" made up of people like themselves. Education in self-segregated schools is a reflection of this state of affairs.

46. Many problems affect ethnic relations in the district and may well explain the riots. Segregation, and even self-segregation seems to be a major factor. For instance, inner-city Bradford is seen as dominated by Muslims. There is resentment towards the Asian community on the part of sections of the white population, and Islamophobia is regarded as prevalent in schools and the white community and affects how the Asians, especially Muslims, are regarded and treated. There is seen to be "virtual apartheid" in many secondary schools and a victimization of minorities in largely monocultural schools, whether Asian, White or Black. Self-segregation is driven by fear of others, the need for safety from harassment and violent crime, and the belief is that it is the only way to promote, retain and protect faith and cultural identity and affiliation. Different communities seek to protect their identities and cultures, discouraging and avoiding contact with other communities and institutions. Community leaders tend to re-enforce their power base by maintaining the segregation. Communication between the different communities is, by and large, very scarce, which perpetuates misconceptions and perceptions held by the communities about each other.

47. Other circumstances affecting the situation are widespread exclusion from decision-making of ordinary people; a low level of minority ethnic representation on decision-making bodies and executive boards with influence and impact; and lack of consultation with minority ethnic communities on matters concerning them. The police have been accused of being racist and police methods cause resentment and perpetuate stereotypes and mythology. According to the report, there are conflicting styles of policing. Top-down management appears to encourage anti-racist approaches while the rank and file remain fearful of being called "racist" and damaging their career prospects if they tackle black and Asian offenders.

48. The general feeling among government representatives seems to be that the riots were a law and order issue, rather than a racial issue. Home Secretary Blunkett is taking measures to come to terms with the violence. He informed the media that an interdepartmental ministerial group looking at the wider problems would publish preliminary details of its findings shortly. In addition, he said that projects running in the area over the summer would attempt to bring together young people from different religious and ethnic backgrounds. Liberal Democrat home affairs spokesman Simon Hughes said a Cabinet minister could be responsible for pulling together policy in urban and suburban areas across the country. He suggested that public order legislation be looked at with a view to making it less possible for people to exercise their "rights" when all they were seeking was to provoke tension and racism in urban communities. Muslim leaders are pressing for a full inquiry into the causes of the riots in Bradford and other towns in the north of England. They are also calling for new laws to combat religious discrimination.

In a statement, Tony Blair's official spokesman said that the Prime Minister shared David Blunkett's view that it was a law-and-order issue. He said that there may initially have been an element of provocation from the far right at some point during Saturday, but first evidence suggested that this was "simply thuggery", and local people intent on "having a go at the police" and in the process destroying their own community.

3. Switzerland

49. The Federal Commission against Racism has evaluated the situation of the far right and noted "an increase in the activity of far-right groups advocating violence, in their degree of organization and more particularly in their insolence". In particular, members of such groups distinguished themselves by booing senior federal officials at the celebration of the Swiss national day in Geneva on 1 August 2001. The Commission considers that "extremist rhetoric can exist only in an environment where it is accepted or at least tacitly tolerated. Political discourse which persists in accepting, indeed promoting the exclusion of certain human beings and resorting to derogatory images of certain population groups distorts the debate and surreptitiously introduces an exclusion effect." Consequently, the Commission notes, "any discussion of policy on foreigners inevitably includes ideas such as invasion, cultural incompatibility, racial predisposition to violence, inability to integrate and criminality of foreigners". The Commission has worked in association with a working group on prevention of far-right extremism. In this context, it envisages not only preventive measures for which the police would be responsible, but also, and especially, political and social measures; in this regard in September it published a framework document on action to combat far-right extremism, in which it states that right-wing extremism must be considered in a global political context, that it can be combated only through a series of targeted measures taken sufficiently in advance and that punishment alone is not effective.

D. Situation of Roma/Sinti/travellers

50. In his most recent reports (E/CN.4/2000/16/Add.1, E/CN.4/2001/21), the Special Rapporteur, following his visit to the Czech Republic, Romania and Hungary, drew the particular attention of the Commission to the deplorable situation of the Roma/Sinti/travellers. He then participated, with the Committee on the Elimination of Racial Discrimination, in working and consultation meetings with the NGOs dealing with the question of Roma/Sinti/travellers, and emphasized the promises and efforts made by the Governments of the countries concerned and by the European Union, which is making this question one of its priority concerns.

51. The European Roma Rights Centre, which has provided copious documentation on the precarious situation of Roma/Sinti/travellers, has laid particular stress on the discrimination which these peoples continue to suffer in the administration of justice, housing, employment, health and education. In the particular case of Bulgaria, the Centre informed the Special Rapporteur of an initiative aimed at ending the segregation of Roma children in schools. On 15 September 2000, some 300 Roma children from the area of the city of Vidin were taken by bus ("busing", the same practice as that used in the United States in the 1960s at the time of the desegregation of schools in that country) by several NGOs supported by the Open Society

Institute in order to be enrolled in non-segregated schools in the city. This operation was successful and 460 Roma children are now enrolled in the city's schools. The organizations working on the desegregation of Roma children in schools plan to extend this operation to the whole of Bulgaria in order to remedy the disastrous situation of Bulgarian Roma.

52. In this context, a conference was held in Sofia on 27 April 2001 and stressed the need for urgent action in this area. In fact, according to the 1992 census, only 4.9 per cent of Roma have a secondary-school leaving certificate and 0.1 per cent a university degree, whereas the figures for the rest of the Bulgarian population are 36.5 per cent and 8.4 per cent respectively. The participants in the conference recalled the responsibilities of the Bulgarian Government in action to combat racial discrimination, in particular in the light of Bulgaria's obligations deriving from ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and the prospect of its joining the European Union.

53. It was stressed that Bulgaria's school system violates the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, both of which Bulgaria has ratified. In addition, European Council directive 2000/43, "Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin", which applies to European Union member States and accession countries like Bulgaria, prohibits both direct and indirect forms of discrimination and provides for reversal of the burden of proof when persons establish before the court facts from which it may be presumed that there has been direct or indirect discrimination. The terms of the directive could allow Romani parents to prove discrimination in Bulgaria by providing statistics and showing disparities in knowledge levels between students at all-Romani schools and students at mixed schools.

54. Despite the current situation of Roma in the Bulgarian educational system, the participants at the conference acknowledged the significance of the fact that prominent elected Bulgarian leaders such as President Stoyanov are willing to speak out on behalf of the Roma. This promising sign could be a first step towards building an alliance among Romani advocacy organizations, the Bulgarian Government, international NGOs, citizens, the press, local organizations, parents and teachers to carry successful initiatives like Vidin to the national level.

55. Participants at the Sofia Conference also took note of the fact that the Ministry of Education declared its commitment to the principles of equal opportunities in education, even if all-Romani schools could not be eliminated immediately. The Ministry is currently pursuing an education policy based on delegating responsibility to the local level and involving communities. It is also trying to involve Romani representatives in all stages of implementation, as well as to increase cooperation between civil organizations and State institutions. The Ministry is creating the position of "assistant teacher" to help Romani children and is committed to hiring them.

56. The Conference recommended, inter alia, that the Government produce a strategic desegregation plan with a budget and timetable and develop mechanisms to allocate funds from foreign donors to address the priorities established by the Framework Programme. Furthermore, the desegregation efforts will require the commitment of all available intellectual, financial and political resources. It was noted that the Europen Union, the Council of Europe, the World Bank and NGOs are interested in desegregation and many have specific programmes and ideas they

could implement in Bulgaria. The Government should also become more active in raising awareness about discrimination and make it clear to the public that desegregation benefits all of Bulgarian society and is not a privilege bestowed upon a selected group.

57. The Special Rapporteur encourages the Governments of the countries concerned by the question of Roma/Sinti/travellers, and also the European Union, to redouble their efforts to combat discrimination against these peoples. Their situation continues to be worrying and their extreme poverty constitutes a challenge which must be taken up by the international community.

III. REPLIES TO ALLEGATIONS TRANSMITTED TO GOVERNMENTS BY THE SPECIAL RAPPORTEUR

A. China

1. Communication dated 23 July containing allegations on racial discrimination in the Tibetan Autonomous Region

58. It has been reported that Tibetans in the Tibetan Autonomous Region (TAR) suffer various forms of systematic and institutional discrimination in the fields of employment, health care, education, housing and public representation. The following examples have been given:

(a) **Employment**: Chinese language has become a determining factor in candidate selection, marginalizing Tibetans who must learn it as a second tongue. Furthermore, Tibetans generally occupy the lower employment positions, while Chinese coming from other parts of the country are given the higher posts, despite the fact that Tibetans form the majority of the population in TAR. In some cases, Tibetans are forced to perform manual work with long hours. There are also express restrictions on contracting Tibetans when the work involves contact with foreigners. Additionally, Tibetans have to fulfil special requirements in order to open their own business and frequently face difficulties in obtaining bank loans. In the agricultural sector Tibetan farmers are forced to sell their harvest to the government authorities for lower than market prices. Such a burden is not imposed on non-Tibetan farmers;

(b) **Health-care**: Health-care facilities are not available in TAR rural areas, where the majority of Tibetans live. Furthermore, Tibetans receive lower quality medical care and have to pay for it, while other Chinese citizens receive it for free. Tibetans are subject to birth control policies which are not applied to other Chinese citizens. Tibetan women are often subjected to forced abortion when they are unable to pay the fines imposed for infringement of the birth control policies. Additionally, Tibetans are purposely given incorrect or expired medicine. In other cases very expensive medicines are prescribed to Tibetans who cannot afford them because of their low income;

(c) **Education**: Unlike the urban centres, rural areas of TAR have very few schools. Where they exist they are inadequately equipped. Tibetans are also given differential treatment regarding admission fees, which in some cases are twice as expensive than those paid by other Chinese. Tibetan teachers are forbidden to prepare their own local educational programme, although laws guarantee such rights to national minorities. Furthermore, Tibetan students face problems in secondary and higher institutions, which use Chinese as the only teaching language;

(d) **Housing**: Tibetans are evicted from their houses to permit construction to accommodate other Chinese. Furthermore, other Chinese are given preference in regard to allocation of housing. Chinese from other parts of the country inhabit modern buildings, while Tibetans are allocated old and dirty buildings. Additionally, Tibetans wishing to relocate have difficulties obtaining residence permits. Arbitrary and unwarranted searches of Tibetan houses are a common practice of the Government;

(e) **Public representation**: Although laws guarantee Tibet self-government, Tibetans' governing power is very restricted and is subject to strict supervision and authorization by the central authority.

2. Response by the Government of the People's Republic of China

59. The Chinese Government states that it has given thorough consideration to the questions raised in the Special Rapporteur's communication and has provided the following reply:

> "1. China is an integrated multi-ethnic State. For many years, the Chinese Government has been implementing an ethnic policy whose key principles are the maintenance of unity and equality between the various nationalities, the establishment of national autonomy at the regional level and the promotion of prosperity for all. Article 4 of the Chinese Constitution clearly stipulates: 'All the nationalities are equal: any discrimination or oppression vis-à-vis a particular nationality is prohibited'. The Chinese Government is currently adopting a broad range of policies and measures to ensure that equality of rights for all the nationalities in social and political life is effectively guaranteed and duly preserved so as to achieve equality and equilibrium between all the various peoples and to ensure their unity and harmony, together with a positive social climate based on friendship and mutual assistance.
>
> 2. Tibet is the region where the majority of Tibetans live; they make up 95 per cent of the total population of that part of the country. In conformity with the Chinese Constitution, the State applies to Tibet the system of regional national autonomy, comprising the establishment of a Tibetan Autonomous Region, and, in conformity with the law, guarantees to all ethnic groups in Tibet the exercise of their rights on an equal footing. Several decades ago, with the support and close concern of the central Government, the sustained efforts and cooperation of the whole population of the autonomous region and the devoted support of the other provinces of China, Tibet experienced great upheavals, after which the Tibetans became genuine masters in their own house and progressed along the path of prosperity.
>
> 3. All the country's laws and institutions fully guarantee the political right of each ethnic group in Tibet to participate on an equal footing in the management of national and regional affairs and, in particular, the autonomous exercise by the Tibetans of their right to manage, on their own initiative, the affairs of their region and its population. In conformity with the provisions of the Chinese Constitution and the law on the autonomous regions, the regions enjoying national autonomy exercise, on an autonomous

basis, extensive rights concerning, in particular, the use of their own language and writing, the management of human resources, the conduct of economic and financial affairs, the administration of education and culture, and the management and development of their natural resources.

4. As a local organ of the State, the People's Assembly of the Tibetan Autonomous Region and its permanent commissions, fully exercising the autonomous rights conferred on them by the Constitution and laws of the country, have devoted enormous efforts to formulating a special law adapted to the national autonomous region comprising over 160 special articles and covering all aspects of the life of the population. Since the establishment of the national autonomous region in 1965, the representatives of the Tibetans and other minorities have constituted 80 per cent of the delegates participating in the meetings of the Tibetan People's Assembly. The representatives of the indigenous Tibetan population and the other minorities form, at all levels, the vast majority of senior officials of the autonomous region and, in the year 2000, their proportion totalled 78.89 per cent. The indigenous Tibetan population and the representatives of the other minorities not only play a leading role in affairs concerning local autonomy, but fully participate in the formulation of the principal policies of the State and in decision-making at this level. In the Chinese Peoples' Assembly, Tibet holds 19 seats, of which 82 per cent are occupied by indigenous Tibetans and members of other minorities. Through their participation in political consultative conferences at all levels, Tibetans from all social strata and public personalities from every sector take part in the consideration of policies and exercise their democratic rights. At the present time, the Chinese political consultative conference includes among its members numerous indigenous Tibetans and leading Tibetan religious personalities.

5. In the sphere of employment, in order to improve Tibetans' living conditions to the fullest extent possible, the authorities not only ensure that there is no discrimination against them but have taken even more favourable measures than those which have been adopted in other Chinese provinces. In the autonomous region, when workers have to be hired, specialist personnel recruited or students enrolled, priority is granted to Tibetan-speakers. Since the basis of the Tibetan economy is weak and the country has been hit by extremely severe weather conditions since 1980, the State exempts Tibetan farming communities from all national taxes and sales taxes on their products, which means that they are able to keep the whole of their earnings: this arrangement is without equivalent in any other region of the country. Furthermore, in certain very remote areas of the autonomous region, the State grants substantial sums for use as capital in assisting the local population to develop their own production, to rid themselves of the yoke of poverty and to proceed along the path to prosperity.

6. In the health sector, before the peaceful liberation of Tibet, there was not a single modern health-care centre or clinic in the whole region. Over a few decades, the State has allocated a total of over 1.8 billion yuan to the sector, setting up cooperative health care centres in most villages. At present, the region has 1,254 health-care centres comprising a total of 6,440 beds and 10,957 specialists; the number of beds and health personnel for every 1,000 inhabitants is equivalent to the national average. Moreover, in

view of the conditions currently existing in the autonomous region, free medical care is provided in agricultural areas, and a public mutual-assistance system has been set up under which the cost of providing integrated health care is absorbed by the whole of the urban population; this enables members of all nationalities living in the region, and in particular indigenous Tibetans, to enjoy greatly enhanced protection in the area of health. The average life expectancy in the region as a whole has thus increased from 36 in the 1950s to 67 today.

7. Although family planning is a fundamental principle of the Chinese State, the Government has, exceptionally, adopted a flexible policy with regard to Tibetans, given their current situation, and is not imposing a birth control programme on the farming population, who make up 80 per cent of total inhabitants of the region; it is simply conducting an information campaign to encourage families to bring up their children in accordance with traditional methods. In urban areas, it is also implementing the principle of encouraging the 'use of natural resources and available services for a better life', and all types of forcible abortion have been stopped. The population of Tibet has increased from 1 million in the 1950s to 2,620,000 at the present time.

8. In the area of education, the Government attaches particular importance to the development of education services for the ethnic minorities and has devoted a total of over 5 billion yuan to the establishment of a modern education system taking into account local Tibetan features and special characteristics at all levels, including pre-school, primary, secondary, specialized, technical and higher education, and other levels. It has also set up an adult education system and educational television programmes. In the year 2000, there were in Tibet about 4,000 educational establishments of various types, attended by 381,500 pupils and students. The enrolment rate for Tibetan children in the various age groups is 85.8 per cent. According to the above-mentioned note, Tibetans have to pay two times the school fees paid by the members of other nationalities. In fact, the opposite is true: in order to develop education in Tibet, the State provides completely free education services for Tibetan pupils and students; from the primary stage onwards, their education costs are borne by the Government in their entirety. Since 1985, an assistance policy consisting in providing food, housing and clothing is being pursued for the benefit of some Tibetan pupils and a boarding system has been set up in areas where extensive agriculture is practised. Regarding the enrolment of pupils in secondary, higher, specialized and technical education establishments, priority is also given to indigenous Tibetan candidates and candidates from the ethnic minorities of the region. An integrated system is followed in schools, enabling tuition to be given in three languages: Tibetan, Chinese and English, priority being given to education in Tibetan. The educational materials and aids needed for all primary and secondary classes have already been compiled, translated and published in Tibetan. This language is not used only in secondary schools; pupils who, at the end of secondary education, take common entrance examinations for the national higher-education institutions can also use their mother tongue. The right to study and to use the languages of the ethnic minorities on an equal footing is thus fully protected.

9. In the area of housing, thanks to economic and social development and the increase in public investment, the situation of Tibetans has considerably improved. According to the statistics of the old Tibetan local authorities, in 1950 about 90 per cent of Tibetans did not own their own home. At present, with the exception of families living in a small number of farming areas, all families have their own home. Between 1990 and 1995, the size of the homes of Tibetans living in the countryside and the towns increased from 18.9 to 20 m^2 and from 11 to 14 m^2 respectively. In some areas, far-reaching measures have been taken for the benefit of 90 per cent of farmers' households in order to enable them to renovate their homes and build new dwellings.

10. As is apparent from the facts outlined above, the development and progress achieved by the Tibetans are indisputable; the Tibetan question originates not from racial discrimination, but from the ethnic separatism of the Dalai Lama clique. The various accusations levelled in the above-mentioned letter are in stark contrast to the actual situation and constitute a malevolent attack furthering covert political designs. It is to be hoped that, given its devotion to facts and the cause of justice, the United Nations human rights system and the persons and organizations forming part of it will not allow themselves to be misled."

60. The Chinese appended to its reply a "white book" on the question of Tibet, which is available for consultation in the secretariat.

3. Comments by the Special Rapporteur

61. The Special Rapporteur thanks the Chinese Government for its cooperation and will continue to follow carefully the effective implementation of the measures intended to promote and protect all the human rights of Tibetans.

B. Japan

1. Communication dated 26 July containing allegations of racism and racial discrimination against Buraku people

62. It has been reported that Buraku communities in many cities in Japan suffer from various forms of systematic and institutional discrimination in the judicial system, employment, education, housing, public policies and social assimilation:

(a) **Judicial system**: Requests for retrials by Burakumin have often been denied by the judicial authorities. Moreover, governmental institutions in charge of defending Buraku people against discrimination often employ underqualified personnel;

(b) **Employment**: Most Burakumin perform hard manual work and have unstable employments. When selecting candidates, many companies carry out background investigations to trace the origin of people presumed to be Burakumin;

(c) **Education**: The scholarship level of Buraku people scholarship level is under the national average;

(d) **Housing**: Nuclear power plants are often built in the vicinity of Buraku communities, most of which are not aware of the risks posed by such facilities. Although they may have the same geographical and topographical characteristics as properties owned by non-Buraku, Buraku-owned properties are often underevaluated in the real estate market because of prejudice against Buraku people. Furthermore, Burakumin wishing to relocate are regularly not allowed by non-Baruku citizens to move to non-Buraku communities;

(e) **Public policies**: Although Government has enacted a law on special measures for Buraku communities, most of these communities continue to experience discrimination;

(f) **Social assimilation**: Non-Buraku parents often do not permit their sons/daughters to marry Burakumin. Although some Japanese cities have issued regulations prohibiting discriminatory background investigations, background investigation agencies still provide such services to non-Buraku families to trace the origin of people presumed to be Buraku.

2. Response by the Government of Japan

63. The Government of Japan sent to the Special Rapporteur an explanatory note on what it called "the Dowa issue" and on the measures taken to tackle it. The Government stressed that the "Dowa issue is not a matter of racism, racial discrimination or xenophobia and related intolerance because Buraku people are neither a foreign race nor a foreign ethnicity. The Government of Japan regrets that the Dowa issue has been misrepresented and strongly hopes that it is accurately and correctly understood". The Special Rapporteur therefore wishes to quote extensively the note by the Government:

> "1. **The Dowa issue**: Regrettably, there has long been social discrimination against Dowa people in Japan. Who are the Dowa people? It is very difficult to make a precise definition of Dowa people. Usually they are recognized as the people who have been living in specific Dowa areas. What are their origins? Their historical origin is not fully elucidated today. They are said to have belonged to a class that had been formed in the process of the historical development of Japanese society and to have been placed in an inferior position economically, socially and culturally.
>
> "It is true that they are neither a foreign race nor ethnically [different]. Without doubt they are Japanese people. Needless to say we cannot tell them apart [by their] skin colour, language and features. Their occupations used to be the ones not favoured by many people. But today they are engaged in a wide range of work such as construction, manufacturing and various kinds of services.
>
> "The original Japanese meaning of 'Dowa' is a harmony and unity of people. According to a Dowa survey in 1993, there are 4,608 Dowa areas in one third of the total cities, towns and villages in Japan. The number of Dowa households is about 300,000 out of 47 million households in Japan with a population of about 900,000 out of 127 million people in Japan.

"2. **Dowa measures implemented by the Japanese Government**: The Government of Japan, recognizing that the urgent solution of this issue is a national problem, has been promoting necessary and effective special measures for more than three decades based on three special laws: The Law on Special Measures for Dowa Projects (1969-1982); The Law on Special Measures for Regional Improvement (1982-1987); The Law Concerning Special Government Financial Measures for Regional Improvement Special Projects (1987-).

"Here special measures implies public projects whose objects are Dowa regions and those Dowa people who live there. These Dowa special measures aim to eliminate discrimination through improving economic conditions and the poor living environment in Dowa regions.

"3. **Performance of the special measures**: For special measures [undertaken] from 1969 through 1993, about 13 trillion yen (65.1 billion dollars) were expended by central and local governments (see table). This means 73,000 US dollars were spent for each Dowa person during this period. Undoubtedly this has been one of the biggest national projects. By extended social investment the Dowa situation has substantially improved, namely, the situation in which a poor living environment encourages discrimination has been eased. Education to reduce and discourage discrimination has also been [undertaken by means of] various methods and devices. For instance, according to the 1998 national government (Management and Coordination Agency) Dowa survey, the following facts were clarified:

1. Housing conditions in Dowa areas are as good as the national.

2. The social infrastructure of roads and farmland in Dowa areas is much better than the national average.

3. Intermarriage has increased.

"These statistics show that discriminatory feelings among the people are steadily decreasing. So, in effect, the Dowa issue is improving rapidly. This improvement is attributed not only to the effect of the Dowa special measures, but also to the big change in the industrial structure and employment structure in the course of the high economic growth of post-war Japan.

"4. **New phase of the Dowa issue**: After the end of the transitional period in 2002, measures in Dowa areas will be implemented like in all other areas, which does not mean that no measures will be taken in Dowa areas. Discrimination against Dowa is steadily decreasing. The Government of Japan is eagerly promoting [programmes of] human rights education and enlightenment, which have been restructured from those aiming at dissolving discrimination against Dowa. Actually, the national budget expenditure for human rights education has trebled in the last two years.

"Furthermore, the Council for Human Rights Protection and Promotion in the Ministry of Justice is discussing a rescue system for the victims in cases of human rights violations. The result will be announced by this summer.

"Total amount of public expenditure for Dowa special measures since 1969

Years	Expenditure	Central govt.	Prefecture govt.	City, town and village govt.
1969-1981	4.96 (15.5)	1.44	1.08	2.44
1982-1986	3.78 (15.3)	1.15	0.78	1.35
1987-1991	3.87 (24.2)	0.84	0.68	1.35
1992-1998	1.25 (10.0)	0.25	0.26	0.72
Total expenditure	13.86 (65.1)	3.69	2.79	6.88

Note: Figures in parenthesis indicate the value in billions of US dollars."

3. Comments by the Special Rapporteur

64. The Special Rapporteur thanks the Japanese Government for its clarification of the Dowa or Buraku question. For such purposes as may be useful, he recalls that, in accordance with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, "the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on ... descent ... which has the purpose or effect of ... impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field". In his view, a question still arises about the urban segregation of the Buraku, despite the fact that there is no ethnic or racial difference between them and the rest of the population.

C. Latvia

1. Communication dated 26 July 2001 containing allegations of racism, racial discrimination, xenophobia against Russians

65. It has been reported that an event aimed at inflaming inter-ethnic discord was recently held in Latvia. It was a contest in which students were to write an essay on themes that openly provoked divisions between parts of the community: "Integration of aliens - an absurdity, the Russians must return to their ethnic motherland"; "Let the colonists leave the country of Latvians so as to avoid an inter-ethnic conflict". The "best" essays were published in June in a book called "We will not concede Latvia to anyone" (Riga, Vieda Publishers). It was announced that the highest leaders of the country will receive the book as a gift.

66. Allegedly the anthology contains numerous openly racist and fascist sentences: "Aliens are the cancer tumour of Latvia"; "If the Latvia nation wants to survive it is time to free itself from a huge number of aliens"; "They do not have any right to live in Latvia, their human rights in Latvia simply do not exist"; "By developing their culture the Russians are in fact ousting the

Latvian culture"; "The integration of the colonists is an unforgivable naivete"; "The granting of citizenship to aliens is a time-bomb". The young authors deny that the Russian-speaking population should have the right to acquire Latvian citizenship and integrate into a unified Latvian society, enjoying an equal life.

67. Allegedly the provocative nature of the contest produced the desired result - the essays included the idea of forcibly evicting from Latvia 700,000 inhabitants that do not belong to the nation: "They are residing illegally here, therefore we must repatriate them to their ethnic motherland". It is worth mentioning that the organizers of this contest characterize it as "positive discrimination". The anthology also contains language enthusiastic about the activities of volunteers of the SS-Waffen Legion - a criminal organization that was condemned by the Nuremberg Tribunal: "The national guerrillas and legionaries are our heroes that fought for such values as freedom and human rights, as well as for not allowing a repetition of the terrible years".

68. Allegedly, it is a Russophobic campaign against which the authorities did not take adequate measures. The Latvian Bureau for the Protection of the Constitution did not qualify this contest as appealing to inter-ethnic hatred, i.e. a criminally punishable act. Such actions, which are conducted in the absence of adequate opposition on the part of the authorities, can but harm inter-ethnic relations and strengthen the tensions in Latvia.

2. Response by the Government of Latvia

69. The Government of Latvia replied that State officials and international organizations had condemned the contest and the book. The President of Latvia, Mrs. Vaira Vike-Freiberga stated that she had "gained the impression that the competition was imbalanced in its approach ... the discourse was too emotional, and in some places the book was certainly prejudiced against other nations". She emphasized that she, as President, did not support any expressions of extremism and prejudice, and that any sowing of hatred was "most unacceptable to the State". The Prime Minister of Latvia, Mr. Andris Berzins, declared that such sentiments were not supported by the general public and that they could be interpreted as the desire of insignificant groupings to attract attention to themselves at a time when the country was swiftly integrating into Euro-Atlantic structures. The Organization for Security and Cooperation in Europe mission in Latvia stated that the book was a manifestation of bad taste, but could not exactly be considered as propagating ethnic hatred.

70. The Bureau for the Protection of the Constitution was assigned to investigate both the contest and the book. No criminal wrongdoing in the publishing house's actions was ascertained, and the Bureau decided against opening a criminal case. During the probe, which was ordered by the Prosecutor's office, both legal experts and Baltic language experts at the University of Latvia's Modern Languages Department concluded that the contest's charter did not violate criminal law provisions on kindling ethnic hatred. The Bureau held discussions with the authors of the essays and criticized the book and the contest. On the basis of the investigation and the experts' conclusions, the Bureau refused to start a criminal investigation on the basis of an absence of sufficient proof that a crime had been committed.

3. Comments by the Special Rapporteur

71. The Special Rapporteur welcomes the reaction of the Latvian authorities to counter racist and xenophobic propaganda against the Russian minority in their country. He considers that efforts should be continued in order to overcome the bitterness of the past and thereby maintain social cohesion.

D. Libyan Arab Jamahiriya

72. In his annual report for 2001, the Special Rapporteur drew the attention of the Commission on Human Rights to the pogroms and mass expulsion of Blacks in the Libyan Arab Jamahiriya in September 2000 (E/CN.4/2001/21, paras. 5-10). In connection with the incidents described as xenophobic, or even racist, by several observers, the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations Office at Geneva addressed to the Special Rapporteur a number of observations and comments, among which particular attention is drawn to the following:

> "The Special Rapporteur stated that his information originated from the print, media, radio and television, and cited a number of extracts of newspapers articles. Despite my great respect for all these media, I wish to emphasize that Mr. Ahanhanzo is well aware that these organs should not constitute the only source of information for the report of a Special Rapporteur of the Commission on Human Rights, especially when the media concerned adopt at the outset a hostile position vis-à-vis my country ... I wish to inform the Special Rapporteur that the expulsion of the nationals of the African countries concerned was effected in close cooperation with their country of origin, through their embassies in the Libyan Arab Jamahiriya and after they had expressed the desire to leave Libya, in the knowledge that their illegal presence in this country, where they had no work, could cause them problems. Libya has borne the full cost of their repatriation, which has so far amounted US$ 60 million. The inquiry into the persons responsible for the incidents has been entrusted to the office of the People's Prosecutor-General, who has completed his investigations. The case has been referred to the people's court and is currently being considered by one of its divisions. The accused, who include Libyans and nationals of other African countries, number 331. The proceedings are being conducted in public in the presence of diplomats accredited to Libya and all correspondents of foreign newspapers and news agencies. Libyan satellite television is broadcasting them live ... Underlying the incidents in question were the illegal practices of certain African nationals which ran counter to the values and traditions of Libyan society (murders, thefts, trafficking in alcohol and drugs, prostitution, indecent behaviour, illicit currency trading, fraud, etc.)."

Lastly, the Libyan authorities invite the Special Rapporteur to visit Libya "in order to learn on the spot about the situation of our brothers from other African countries".

73. The Special Rapporteur is grateful to the Government of the Libyan Arab Jamahiriya for its attention. He would like to know the results of the trials under way and would be happy to visit Libya, with the Libyan authorities, in order to continue the dialogue on these unfortunate and distressing events.

IV. FOLLOW-UP TO FIELD VISITS: LEGISLATIVE, JUDICIAL OR OTHER MEASURES TAKEN OR ENVISAGED BY GOVERNMENTS

A. Germany

74. The Government of Germany has transmitted copious documentation on its new human rights policy. Stress is laid on the activities of the Commissioner for Human Rights and Humanitarian Assistance within the Ministry of Foreign Affairs, both at the European level and in connection with the United Nations international human rights treaties. At the European level, Germany plays an active part in the work of the European Commission against Racism and Intolerance (ECRI).

75. The German Government further states that, following the recommendation of the Committee on the Elimination of Racial Discrimination after the consideration of its fourteenth periodic report, in March 1997 it took action to ensure the enactment of a law to combat racial discrimination. "Following the Government Coalition Agreement of 20 October 1998, the Government is considering a comprehensive anti-discrimination law. The functions of a central agency for combating discrimination are largely performed by the Federal Government's Commissioner for Foreign Nationals. The fifteenth report under the Convention will contain the Government's response to the Committee's recommendations." It also states that it is continuing with German NGOs the dialogue initiated in the context of the European Year against Racism in 1997. "An exchange of information takes place principally in the 'Forum against Racism' established in March 1998. The Alliance for Democracy and Tolerance against Extremism and Violence initiated by the Federal Government serves to deepen the involvement of the social forces concerned - families, schools, churches, sports associations, traditions, employers, etc. The object is to inform the public as much as possible about the aims, to sensitize it to these issues and to mobilize support. Here the main emphasis, apart from providing information, will be on enhancing the community's appreciation of these values."

76. The German Government added that "The main thrust of efforts to remove the root causes of racism and xenophobia comes from the Government's extensive educational campaign, which differs in form and context depending on the target groups. Preventive measures, complemented by determined police action and a consistent prosecution policy, reduced the number of known offences with a right-wing extremist background from 11,049 in 1998 to 10,037 in 1999, i.e. by 9.2 per cent. During the same period the number of acts of violence with ultra-right motives rose slightly from 708 to 746. Nevertheless, combating racism and xenophobia in all their different manifestations is still a matter of great importance for which the German Government's international youth policy embraces a variety of contacts, meetings and exchanges aimed at preventing racism and xenophobia. Their whole purpose is to help young people learn about other cultures, social systems and international relationships, discuss them with others and develop a better appreciation of their own situation, and of course to improve their understanding and tolerance of foreigners living in Germany. A number of activities sponsored under the 'Youth for Europe' programme likewise focus on these aspects."

77. Germany has recently established a new human rights institute. On 7 December 2000, the German Parliament (Deutscher Bundestag) resolved to establish an independent, publicly-funded German Institute for Human Rights to be based in Berlin. The statute of the Institute refers specifically to the "Paris principles" (the Principles relating to the status of national institutions for the promotion and protection of human rights), and its mandate covers international and national human rights issues, including public and private sector issues. The Institute will focus on (a) information and documentation; (b) research; (c) advisory services to State authorities and NGOs; (d) human rights education; (e) promoting dialogue between NGOs and State organs; and (f) cooperation with international organizations. The Institute is presently composed of a founding committee of nine individuals, including four NGO representatives, one representative of the academic community (who is also a member of the United Nations Committee on Economic, Social and Cultural Rights), two members of Parliament, one media representative and the Commissioner for Human Rights of the Federal Ministry of Justice. "It will have a board of 16 members: 4 federal government representatives acting in an advisory capacity and 12 members with voting rights, including: 1 representative from the German Science Council, 3 NGO representatives, 2 government members from the Committee for Human Rights and Humanitarian Affairs, 1 representative from the Office of the Federal Government's Commissioner for Foreigners Issues, and 5 representatives initially nominated by the founding committee and later to be selected by the assembly of all members of association. It is anticipated that the Institute will begin its work in early 2002."

78. While welcoming the progress achieved by Germany in action to combat racism, racial discrimination and xenophobia, the Special Rapporteur, who is happy to have taken part in the anti-racist programme organized by the city of Nürenberg in September 2001 as a follow-up measure to the Durban Conference, sincerely hopes that the Government's efforts will lead to the enactment of the law to combat racial discrimination, as promised on the occasion of his visit to Germany in 1995. Such a law would reflect, in the legal sphere, the extensive mobilization of the German Government and people in action to combat racism and all forms of racial discrimination and xenophobia.

B. Brazil

79. Following his visit to Brazil in June 1995 the Special Rapporteur submitted a report to the Commission on Human Rights at its fifty-second session and presented his recommendations regarding the eradication of racism and racial discrimination in Brazil (E/CN.4/1996/72/Add.1). In subsequent reports to the Commission at its fifty-fourth and fifty-fifth sessions (E/CN.4/1998/79 and E/CN.4/1999/15), the Special Rapporteur highlighted some of the measures adopted by the Brazilian Government to implement his recommendations. Information compiled under this section is aimed at informing the Commission of actions taken in the last two years by the Brazilian Government to arrive at a better analysis of racial discrimination and its elimination in various sectors.

80. In the last two years, measures against discriminatory practices in employment and occupation have mainly been adopted by the Ministry of Labour, through the Executive Working Group for the Elimination of Discrimination in Employment and Occupation and with the

cooperation of the State Secretary for Human Rights of the Ministry of Justice and the United Nations Development Programme (UNDP). Among the achievements of the Working Group and the Ministry of Labour, the following aspects should be highlighted:[1]

- Publication of the Guide for the Elaboration of Programmes of Action for the Eradication of Racism and Discrimination. It contains guidelines for activities to eliminate racism and promote the access of victims of racism to employment;

- Creation of regional centers (Núcleos de Combate à Discriminação no Emprego e na Profissão) in the context of the implementation of ILO Convention No. 111.

- Inclusion of the item race/colour in the General Registry for Employment and Unemployment (CAGED) and in the Annual List of Social Information (RAIS);

- Inclusion of the item race/colour in the National Plan for Workers' Qualifications (PLANOR);

- Conclusion of a Protocol of Cooperation between the Ministry of Labour and the Ministry of Justice, through the National Council on the Rights of Women, to promote women's rights to employment and education.

81. Also worth mentioning is the elaboration by the Ministry of Planning, through the Institute for Applied Economic Research (IPEA),[2] in July 2001 of a study on Racial inequality in Brazil. The study concluded that "poverty is not 'democratically' distributed among races. Blacks are over-represented in poverty". Housing, income levels, employment and education are also analysed in the study.

82. Equally important is the conclusion between the Ministry of Science and Technology and the Ministry of Culture, through the Palmares Cultural Foundation and the National Research Council (CNP), of a technical cooperation protocol to recognize the importance of the black population to Brazilian culture. The protocol will help Blacks access higher education and will support academic studies on black culture and education. It should further be mentioned that the Palmares Cultural Foundation has made progress towards the granting of ownership titles to the 12 persons occupying traditional Quilombo land and official recognition of 31 titles to Quilombo land.

83. The Brazilian Government also actively participated in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance by organizing a consultation with the civil society. Among the Government's activities was the National Conference against Racism held in July 2001 in Rio de Janeiro, and its participation in the regional preparatory conferences, that took place during the year 2000.

84. The Special Rapporteur welcomes the measures taken by the Brazilian Government and hopes that such measures will contribute to eliminate inequalities in employment and improve the standard of living of Blacks and people of mixed descent. However, the information

received continues to be a source for concern: According to the 2001 IPEA study 42.9 per cent of Blacks and 48.4 per cent of the mixed-descent population live under the poverty level, whereas among Whites this number is 22.6 per cent.[3]

85. The National Movement for Human Rights (Movimento Nacional de Direitos Humanos - MNHD) stated that the vast majority of homicide victims (66.1 per cent) are Black and mixed-descent people. The percentage increases for killings by police: three times more black and mixed-descent people are killed by police than Whites. Additionally, police systematically harasses Blacks and mixed-descent people, as they are supposed to be poor and thus delinquents and criminals.[4]

86. The Special Rapporteur is also preoccupied by the systematic racist and racial discrimination by police officials against Blacks and mixed descent people, as well as Blacks' current situation in the administration of justice and the prison system. Furthermore, he is apprehensive with regard to the labour situation of Blacks and mixed-descent children, and recommends that the Brazilian Government develop special Programmes with a view to promoting these children's rights to education and welfare. From 1992 to 1999 the overall child labour level decreased by 34 per cent. However, the decrease among Whites (45 per cent) was almost twice that of Blacks and mixed-descent people (24 per cent).

87. Concerning discriminatory practices in the prison system, it should be noted that although black and mixed-descent people constitute 45 per cent of the Brazilian population (white people compose 54 per cent), they represent the majority of the prison population. For example, in São Paulo, which has the highest imprisonment levels, for every 100,000 thousand white citizens, 76.8 are imprisoned, whereas among Blacks and mixed-descent people the figure is 140. As stated in his 1997 report the Special Rapporteur continues to be concerned about the fate of indigenous peoples and looks forward to receiving, in the near future information about measures taken or envisaged in favour of these people.

C. Egypt

88. On 12 October 2001, Egypt submitted to the Special Rapporteur an instructive 16-page memorandum on the Egyptian legal system and the measures in place to combat racial discrimination. It stated in particular that Egypt is a party to all the international instruments relating to racial discrimination, whether they have been adopted by the United Nations, ILO or UNESCO. It has, inter alia, ratified the following instruments: (a) International Convention on the Elimination of All Forms of Racial Discrimination; (b) International Convention on the Suppression and Punishment of the Crime of Apartheid; (c) International Convention against Apartheid in Sports; (d) Convention on the Elimination of All Forms of Discrimination against Women; (e) ILO Convention No. 111 concerning discrimination in respect of employment and occupation; (f) Convention concerning action to combat discrimination in education. In conformity with article 151 of the Constitution, once international instruments have been ratified and promulgated, they form part of Egyptian legislation and all public bodies are required to comply with them. At the regional level, Egypt participated in the formulation of the African Charter on Human and Peoples' Rights, which prohibits discrimination and doctrines based on this practice.

89. Egypt fulfils all the obligations incumbent on it under the international instruments to combat racial discrimination which it has ratified. In this connection, it submits periodic reports to the United Nations treaty bodies, the most recent being the report which was considered by the Committee on the Elimination of Racial Discrimination from 13 to16 August 2001. During the discussion, the Committee welcomed the legislative measures taken by Egypt and the relevant decisions of the Supreme Constitutional Court. In Egypt, the fundamental human rights and freedoms are constitutional rights. It follows that the rights and freedoms in question have primacy over any other legislative provision originating from parliament or any other national body; the authorities are therefore required to comply scrupulously with them. Under article 57 of the Constitution, any infringement of one of the rights or freedoms guaranteed by the Constitution constitutes an imprescriptible offence and the victims must be compensated by the State. In practice, as the above-mentioned judgements affirm, the Supreme Constitutional Court has handed down numerous decisions based on these principles in connection with disputes relating to the exercise of the right to equality before the law and to non-discrimination.

89 bis In addition, the Egyptian legislature has made it an offence to propagate discriminatory and xenophobic ideas:

(a) The Criminal Code (Act No. 58 of 1937): It is a criminal offence to establish, found, organize or administer an association, institution, organization, group or gang which in any way advocates violation of the constitutionally and legally recognized personal liberty or other public rights or freedoms of citizens, or which seeks to prejudice national unity or social harmony. Such acts are punishable by imprisonment and the penalty for heading such associations is a term of imprisonment with hard labour art. 86 bis);

(b) The Political Parties Act (No. 50) of 1977: In conformity with article 4 of this Act, one of the conditions for the establishment of a party is that neither its principles, programmes or activities nor the election of any of its members may be based on discrimination on grounds of sex, origin, religion or belief. Persons committing such offences are liable to a penalty of imprisonment and/or a fine;

(c) The Press Act (No. 96) of 1996: Pursuant to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, the Egyptian legislature, in adopting this Act, made it an offence to advocate or disseminate racist ideas. Under the terms of article 20 of the Act, journalists have an obligation to refrain from endorsing racist propaganda which denigrates religions, advocates hatred of religions, detracts from the beliefs of others or seeks to promote discrimination against, or contempt for, any particular faith;

(d) Racial discrimination and incitement to such discrimination are prohibited: the Constitution and the law prohibit racial discrimination in all its forms, irrespective of the reasons for it; in addition, it has been made a criminal offence to perpetrate acts of racial discrimination.

90. Lastly, the Egyptian Government has described arrangements and measures concerning teaching, publicity and information activities intended to increase awareness of human rights principles and the prohibition of racial discrimination. Particular stress is laid on human rights education at the basic levels of education (primary and preparatory), and in universities, police training colleges and specialized research training centres.

91. The Special Rapporteur welcomes the efforts made by Egypt to publicize human rights and the principle of non-discrimination and to integrate them in everyday life, through a substantial and widely disseminated body of law and human rights education.

D. Spain

92. In a communication dated 23 October 2001, the Spanish Government recalled that measures intended to combat racism, racial discrimination, xenophobia and related intolerance are incorporated in the Organization Act on the Rights and Freedoms of Foreigners and their Social Integration (No. 4/2000 of 11 January 2000, as amended by Act No. 8/2000 of 22 December 2000). Articles 23 and 24 of the former Act prohibit, inter alia, racial discrimination by private individuals or State officials in the political, economic, social and cultural spheres.

93. The Spanish Government also announced the adoption of a number of measures providing for the integration of immigrants and refugees in Spanish society; this information will be transmitted to the Special Rapporteur on migrants.

E. Czech Republic

94. In its communication of 21 November 2001, the Government of the Czech Republic informed the Special Rapporteur of a number of preventive measures intended to combat racism, racial discrimination and intolerance, notably against Roma.

> "In the framework of the Programme for the Prevention of Crime at the Local Level, projects have been supported with the aim of overcoming prejudice, combating xenophobia, increasing intolerance on the part of the majority and emancipating, educating the Roma minority and helping them find their place in society. The aim is conflict-free coexistence in a locality and the elimination of racially motivated crimes. The projects are aimed at potential criminals, thus far non-delinquent persons or those who have committed minor offences and who are not members of extremist organizations or active sympathizers with those organizations.
>
> "Towns with the highest occurrence of crime and an accumulation of other social problems - unemployment, poverty, extremist groups, etc., are included in the programme, which covers 84 towns, of which 53 are district towns. In the framework of this programme, the prevention of crimes linked with extremist attitudes was one of the priorities in 1997. During the period 1996-2001, there were 358 applications for subsidies for projects supporting the Roma community; 294 projects have been supported with a sum of CK 2,818,000 from the State budget.
>
> "Another dimension of the prevention of racism, racial discrimination and intolerance is related to the work of the Inter-ministerial Commission for the Affairs of the Roma Community. The Commission has established a working group to discuss issues concerning the security of Roma and racially-motivated crimes against them. In 2001, the working group met twice and has been dealing among other things with discrimination against Roma in restaurants and similar facilities."

F. Sweden

95. In its communication of 24 October 2001, the Swedish Government transmitted to the Special Rapporteur a national plan of action to combat racism, xenophobia, homophobia and discrimination, including discrimination on grounds of ethnic origin. This plan, which was submitted to the Swedish parliament on 7 February 2001, comprises a large number of educational, legislative and administrative measures. Among the measures which attracted the attention of the Special Rapporteur were:

(a) The instructions given by the Government to the national education authority to conduct activities to strengthen educational methods for combating xenophobia and racism; this element should be integrated in the continuing training of teachers. The plan of action emphasizes that "the basic values expressed in the curricula shall provide a basis and guidance for all work in pre-schools, pre-school classes, after-school centres, compulsory schools and adult education. No one, child or adult, should have to suffer offensive treatment. All indications of harassment must be combated. Xenophobia must be countered with knowledge and awareness, discussion and active measures";

(b) The plan to introduce a general law on all forms of discrimination (on grounds of ethnic or racial origin, religion, sex, sexual orientation, disability) so as to coordinate all relevant Swedish legislation, which is currently dispersed within several laws. The Swedish Government considers that this initiative is likely to create greater public awareness of the illegal nature of discriminatory conduct and thereby ensure better protection against discrimination;

(c) The establishment of local anti-discrimination offices and local groups for the prevention of xenophobic or racist offences. Local anti-discrimination offices will be established in the cities of Trollhättan, Norrköping, Malmö, Lund, Göteborg and Sundsvall/Härnösand; they will be headed by volunteers who are already members of associations. The groups for the prevention of xenophobic or racist offences comprise representatives of local communities, the police and associations which endeavour to monitor and combat the activities of racist or xenophobic individuals, movements or groups;

(d) The inclusion of an anti-discrimination clause in public invitations to tender. The Parliamentary Committee on Public Procurement is analysing means whereby the public sector could include anti-discrimination clauses in procurement agreements. This will prevent companies selected from practising discrimination in carrying out public contracts. Public-sector procurement as a whole amounts to approximately SKr 300.

96. The Special Rapporteur welcomes the Swedish Government's efforts to prevent and combat racism, racial discrimination, xenophobia and related intolerance, and invites all Governments to formulate a national plan to combat these phenomena, notably in the context of the implementation of the Durban Declaration and Programme of Action.

G. Switzerland

97. By a letter of 10 October 2001, the Swiss Government addressed to the Special Rapporteur copious, informative documentation on incidents constituting contemporary forms of racism, racial discrimination, all types of discrimination directed against, inter alia, Blacks, Arabs and Muslims, xenophobia, anti-Black feeling, anti-Semitism and related intolerance.

98. The Swiss communication comprises five bulletins from the independent Swiss Federal Commission against Racism. Bulletins 7-10 contain extracts from press reports concerning racist incidents in Switzerland in 1999 and 2000. In addition, bulletin 7 deals with the question of Muslims in Switzerland, bulletin 8 with coloured people in Switzerland, and bulletin 9 with the question of women and men confronted with racism in Switzerland; a special report of November 1998 relates to anti-Semitism in Switzerland. All these highly instructive documents are available in the secretariat. In bulletin 10 published in March 2001, containing the year 2000 report of the Federal Commission against Racism, the Special Rapporteur noted useful information on racial discrimination. This Commission has, in fact, discussed discrimination, referring also to the subjective experience of discrimination by Swiss people; it has devoted particular attention to exclusion and discrimination more specifically affecting people with black skins (anti-Black racism).

99. On the question of discrimination against travellers, the Federal Commission against Racism has dealt with one specific case of conflict. It has criticized the growing tendency, already noted in connection with naturalization procedures, "to detract from fundamental democratic rights in order to discriminate against minorities", of which the referendum for the banning of a parking area for travellers is one example (see also paragraph 94 above).

100. The Commission has also received from several black people testimony and analyses of their personal experience of racism in Switzerland. In bulletin 8 it highlighted the following comments: "As in other European countries, the everyday experience of Blacks in Switzerland is characterized above all by a lack of geographic, cultural and economic interest on the part of Swiss people in their countries of origin. Secondly, the non-acceptance of Blacks in a world whose way of life is based on protectionism originates from a combination of psychological, historical, economic and political factors. Switzerland fears for its physical integrity, which might be jeopardized by any undesired mixture, and principally mixture with Blacks, which would call into question the permanent nature of the "race". For the Swiss citizen, there is a potential danger that wars and famine, the daily lot of Africa and similar environments, may be imported into his country. The everyday discourse of the Swiss generally comprises an image of Blacks based on a projective identity. They can only conjure up a picture of dubious people from countries characterized by hunger, sickness, drought and poverty, a view they attribute to both external (climatic) factors and to the intrinsically inferior qualities of these peoples. This paranoid behaviour is related to the knowledge that assistance is given to peoples from other countries, and is regularly encouraged in the local media (newspapers and television) and in public life. A Swiss is uneasy when he sees a foreigner enjoying the same rights and benefits as the majority of the population. Under the policy of protectionist obedience encouraged by the far-right parties, this view is invariably proclaimed on the occasion of speeches advocating

rejection and exclusion. A Swiss feels in danger if he has to tolerate in his country the existence of different communities which threaten to disrupt national homogeneity, and his savoir-faire and honesty."

101. On the question of anti-Semitism, the Commission, in the above-mentioned special report of November 1998, noted that in 1996 and 1997 the debate on unclaimed assets had caused an upsurge in anti-Semitism in Switzerland. The Commission noted anti-Semitic remarks in the press and anti-Semitic graffiti on walls in several towns, and was informed of threatening letters sent to prominent Swiss people of Jewish descent. It therefore adopted a stand against these manifestations of anti-Semitism, and called on the Swiss authorities and all political and social players to react to them.

102. The Commission considers that the "situation of travellers continues to cause concern", notably following the failure of its meeting with the authorities of the canton of Geneva when it interceded on behalf of travellers who wanted parking areas and the right to live in caravans on private land. In addition, the Commission continues to call for the termination of the practice of deporting Roma and persecuted Ashkali from Kosovo and for them to be granted temporary authorization to stay in Switzerland. It is campaigning for greater attention to be paid to the situation of the Roma in all countries of central and eastern Europe, and for increased and far-reaching savoir-faire to be exercised in the context of assistance to eastern Europe and specific assistance programmes.

103. Lastly, attention should be paid to bulletin 9 entitled "Together against racism", which stresses the daily mobilization of civil society against racism. It describes the range of valuable work done in the areas of prevention and awareness-raising by various NGOs, notably NGOs of a religious character, and by the services and organizations dealing with foreigners, refugee assistance organizations and other organizations involved in development, human rights, etc.

104. In view of all the foregoing, a tribute should be paid to the consistent and sustained efforts made by the Swiss Government and the Commission to combat racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur considers it appropriate to emphasize, like the Swiss Federal Council, the value of the Commission in the face of attempts to disband it (in this connection, see the parliamentary question of 22 December 1999 lodged by 27 Swiss deputies calling for the Commission's dissolution; (bulletin 9, p. 111, September 2000). The Federal Council has in fact expressed the view that the Commission makes a substantial contribution to the fulfilment of the obligations under public international law which Switzerland has undertaken with the entry into force of the International Convention on the Elimination of All Forms of Racial Discrimination.

H. Thailand

105. In reply to the Special Rapporteur's circular letter of 10 July 2001 addressed to Member States, Thailand, on 15 October 2001, transmitted the following information on its legislation and measures it has adopted to combat racism, racial discrimination, xenophobia and related intolerance.

106. The Government states:

> "Racism, racial discrimination, xenophobia and related intolerance are generally not perceived as a serious problem in Thailand. Being a somewhat homogeneous country with over 95 per cent of the population Buddhist, Thailand has long enjoyed national unity and social harmony. Despite the Buddhist majority, Buddhism is not proclaimed as the national religion. His Majesty the King is the patron of all religions practised in the country."

107. At the national level, the Constitution forthrightly condemns all forms of discrimination. It states in section 30:

> "All persons are equal before the law and shall enjoy equal protection under the law. Men and women shall enjoy the same rights. Unjust discrimination against a person on the grounds of difference in origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education or political views shall not be permitted.
>
> "Measures determined by the State in order to eliminate obstacles to or to promote persons' ability to exercise their rights and liberties like other persons shall not be deemed as unjust discrimination under paragraph 3 ..."

108. Section 43 of the Constitution states that " a person shall enjoy an equal right to receive basic education for a duration of not less than 12 years, which shall be provided by the State thoroughly, of good quality and without charge". Section 10 of the National Education Act (1999) states likewise, with a view to fully implementing the Constitution. In practice, the Thai Ministry of Education strives to provide education for all citizens on an equal basis, without discrimination as to ethnic or racial origin. To solve the problem of education for children without household registration, children of the highland people who have not acquired Thai citizenship and children of displaced persons from neighbouring countries, the Thai Ministry of Education issued a ministerial decree concerning necessary documents for school admission (1992) and guidelines on education for children without household registration and non-Thai children. Moreover, all prisoners, regardless of their nationality, have equal access to informal education provided by the Department of Non-Formal Education of the Ministry of Education and by open universities. Limited scholarships are also offered to prisoners, based on their study performance. Foreign prisoners have also been granted such scholarships to pursue higher education in open universities.

109. With regard to cultural preservation, section 46 of the Constitution states that "Persons so assembling as to be a traditional community shall have the right to conserve or to restore the customs, local knowledge, arts or good culture of their community and of the nation and participate in the management in a balanced fashion and persistently provided by law". In this regard, the Ministry of Education has set up in each province a cultural council to serve as a focal point in the promotion and preservation of local and national cultures.

110. To fully implement the Constitution, the Thai Ministry of Justice is preparing a draft Non-Discrimination Act, to guarantee that people, regardless of their differences, are treated on an equal basis, with due respect, and can enjoy all human rights and fundamental freedoms as provided for in the Constitution. The Non-Discrimination Act, when passed, will provide access to justice for victims of discrimination.

111. Thailand has also set up a national commission on human rights, in accordance with the National Human Rights Commission Act (1999). The 11-member Commission started functioning officially in July 2001 and is responsible for the promotion and protection of human rights and proposing appropriate remedial measures. In cases where it appears that action proposed by the Commission has not been taken, the Commission shall report to the National Assembly for further proceeding. The Commission is also mandated to promote human rights education. The Commission, therefore, has a large role to play in combating racism and racial discrimination.

112. At the international level, the national committee on preparation for the Durban World Conference considered the possibility for Thailand of acceding to the International Convention on the Elimination of All Forms of Racial Discrimination.

113. Lastly, Thailand at present hosts over 1 million illegal migrants and approximately 100,000 displaced persons from a neighbouring country and, therefore, misunderstanding, misperception and tension may arise. Maltreatment of illegal/unskilled foreign labourers has occurred, at times, due to individual selfishness but definitely not due to State policies. Also, following the economic crisis in 1997, an increasing number of harsh comments against and opposition to foreign investment and investors can occasionally be observed. The main difficulty is a lack of awareness and the sense of apathy among the public regarding the issue of racism and related intolerance, as Thailand has been relatively spared from racial tension, conflict or violence.

114. As a follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, the Government of Thailand intends to make greater efforts to raise public awareness and understanding on the issue of racism and related intolerance.

115. The Special Rapporteur welcomes the constitutional and legislative provisions enacted by the Government of Thailand, and also the measures aimed at increasing public awareness of the question of racism.

I. European Union

116. The Special Rapporteur has been informed that, on 23 November 2001, the European Commission adopted a framework decision on combating racism and xenophobia, which is to be submitted for approval by the States members of the Union in the course of 2002. This decision, aimed at aligning the laws and regulations of the member States regarding racist and xenophobic offences, has a twofold purpose: first, to ensure that racism and xenophobia are punishable in all member States by effective, proportionate and dissuasive criminal penalties, which can give rise to extradition or surrender; and second, to improve and encourage judicial cooperation by

removing potential obstacles. The proposed instrument provides that the same racist and xenophobic conduct would be punishable in all member States, which would define a common European Union criminal law approach to this phenomenon. This decision should also permit the intensification of means of combating racist crimes perpetrated by members of extreme-right organizations, neo-Nazis, skinheads, etc. The Commission has noted that between 1999 and 2001 these crimes increased in the European Union.

V. CONCLUSION

117. The persistence of racism, racial discrimination, xenophobia and related intolerance in both subtle and violent manifestations shows that questions of equality, social justice and respect for the diversity of the human race are crucial to solving the problems with which mankind is confronted in the twenty-first century. The Special Rapporteur welcomes the holding of the World Conference against Racism. In the Durban Declaration and Programme of Action the international community has a platform for attacking the sources of these phenomena. Among the measures proposed, the Special Rapporteur attaches fundamental importance to education as a means of converting racist, xenophobic and intolerant mentalities into a psychological outlook imbued with the humanistic values of respect for others, brotherhood and solidarity. He also attaches importance to the adoption of legislative measures to punish acts of racial discrimination and prohibit racist organizations and their activities. Lastly, he is convinced that, without economic and social measures in support of peoples marginalized by racial discrimination, action against these evils will be limited in scope. A combination of educational, legislative and socio-economic measures must therefore be adopted.

VI. RECOMMENDATIONS

118. The Special Rapporteur urges those States which have not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, and requests all States to enact anti-discrimination legislation at the domestic level and to publicize it in all modern media and in languages accessible to the greatest possible number of people.

119. The Special Rapporteur would also like to call on all Governments to show restraint in solving problems relating to terrorism, so as to ensure respect for human rights and fundamental freedoms when adopting security measures. Furthermore, it is essential that Governments should prevent and combat irrational reactions against individuals or groups suspected of having links with terrorist activities.

120. Lastly, the Special Rapporteur reiterates his desire that the Office of the High Commissioner for Human Rights should erect a monument to the memory of all victims of racism, racial discrimination, xenophobia and related intolerance.

121. At the conclusion of his mandate on racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur would like to express his gratitude to all States, non-governmental organizations, institutions and private individuals that have extended their cooperation to him in the performance of his mission.

Notes

[1] Data and Statistics obtained from "Reflexões e Propostas para uma Agenda Nacional Anti-discriminatória e de Promoção da Igualdade", a note from Palmares Cultural Foundation p, cf. http://www.palmares.gov.br, consulted on 17 August 2001.

[2] Texto para Discussão No. 807, Desigualdade Racial no Brasil: Evolução das Condições de Vida na Década de 90, Ricardo Henriques, July 2001 - Instituto de Pesquisa Econômica Aplicada (IPEA).

[3] Texto para Discussão No. 807 (footnote 2 above).

[4] Figures given in "A Cor do Medo", Djaci David de Oliveira, Elen Cristina Geraldes, Ricardo Barbosa de Lima, Sales Augusto dos Santos, Brasília, 1998.